



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

DEC 28 2015

Mr. Robert Martella
Manager of Operations
Precision Kidd Steel, Inc.
1 Quality Way
Aliquippa, PA 15001

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Precision Kidd Steel, Inc.

Information Request - Reference No. C16-005
EPA ID No. PAD061778684

Dear Mr. Martella:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information from Precision Kidd Steel, Inc. (herein after "PKSI" or the "Company") to supplement the information obtained by EPA during the inspection of the PKSI manufacturing facility located in Aliquippa, PA (the "Facility") on September 23, 2014. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes . . ." EPA hereby requires that you furnish to EPA, within thirty (30) calendar days of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each question. Precede each answer with the number of the question or letter of the subpart of the question to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, indicate on such copy, or in some other reasonable manner, the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original and the date the document became effective at the Facility.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

Requested Information

1. During the September 23, 2014 EPA inspection, the EPA inspector observed spent aerosol cans discarded in the regular trash. Please refer to Photo #2 of the EPA Compliance Evaluation Inspection ("CEI") report which is enclosed as Attachment A of this letter. At the time of the inspection, Facility personnel indicated that spent aerosol cans are discarded in the regular trash. With respect to the Facility's aerosol can use and management, please answer the following:
 - a. Please provide a detailed description of the process or processes which utilize aerosol can products at the Facility.
 - b. Please provide a detailed narrative explaining how the Facility manages its spent aerosol can waste stream from the time it is generated until it is shipped off-site for disposal.
 - c. Submit the Material Safety Data Sheets ("MSDS") or SDSs for each of the aerosol can products used by the Facility.
 - d. Does the Facility maintain a designated accumulation receptacle for spent aerosol cans that are generated throughout the Facility? If so, please (i) state when this designated receptacle for spent aerosol cans was first put into service, (ii) submit photographs of such receptacle, and (iii) clearly identify the location of such receptacle at the Facility via a site map.
 - e. Please state whether a "waste determination" and "LDR determination" have been made for each spent aerosol can generated throughout the Facility.
 - f. If a "waste determination" and "LDR determination" have been made for the Facility's spent aerosol can waste stream, state when such determinations were made.
 - g. Were any of the Facility's spent aerosol cans determined to be hazardous waste? If so, please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste.
 - h. If a "waste determination" was made, state whether the determination was based on

analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation.

- i. If the Facility's spent aerosol can waste stream has been disposed of in the regular trash, please provide the name, address, and phone number of the municipal landfill that has been receiving the Facility's spent aerosol can waste stream.
 - j. If the Facility's spent aerosol can waste stream has been shipped off-site to a RCRA permitted treatment, storage and/or disposal ("TSD") facility, provide copies of all bills of lading, manifests (including hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied the off-site shipment of the spent aerosol cans.
2. During the September 23, 2014 EPA inspection, EPA inspector observed a black 55-gallon drum of ethylene glycol located near the furnace in Building 2. Please refer to Photo #6 of the EPA CEI report which is enclosed as Attachment A of this letter. At the time of the inspection, the drum was observed to be leaking onto the floor of Building 2. Please provide the following information regarding the content of the black 55-gallon container of ethylene glycol:
- a. Provide a detailed description of the process or processes that generated the content of the container (if applicable), and please provide a detailed description of its content.
 - b. Provide the date on which the content of the container was generated and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year.
 - c. State the amount (in pounds and gallons) of material in the container prior to the leak, and how much was contained in the container at the time of the September 23, 2014 EPA inspection.
 - d. Provide the exact date when the container began leaking. If an exact date cannot be determined, please estimate the month and year.
 - e. State whether or not a "waste determination" and "LDR determination" were made for the content of the container and the material that leaked onto the floor.
 - f. If a "waste determination" was made for the content of the container and the material on the floor, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.
 - g. Was the content in this container and the material on the floor determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s).

- h. If the content of the container and the material on the floor was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of the waste.
 - i. If the content of the container and the material on the floor still remain on-site, please state where such contents are currently located within the Facility and how such contents are currently being managed.
- 3. During the September 23, 2014 EPA inspection, EPA inspector observed a black 55-gallon drum of phosphoric acid located outside the Facility. Please refer to Photo #7 of the EPA CEI report which is enclosed as Attachment A of this letter. At the time of the inspection, Facility personnel were unsure of how long the drum had been accumulated outside the Facility. Please provide the following information regarding the content of the black 55-gallon container of phosphoric acid:
 - a. Provide a detailed description of the process or processes that generated the content of the container, and please provide a detailed description of the content of the container.
 - b. Provide the date on which the content of the container was generated and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year.
 - c. Please state the amount (weight and volume) of material in the container at the time of the EPA inspection.
 - d. State whether or not a "waste determination" and "LDR determination" were made for the content of the container.
 - e. If a "waste determination" was made for the content of the container, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.
 - f. Was the content in the container determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with the content of the container that was determined to be hazardous waste.
 - g. If the content of the container was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied each off-site shipment of the waste.
 - h. If the content of the container still remains on-site, please state where such contents are currently located within the Facility and how such contents are currently being managed.

4. With respect to the Facility's hazardous waste training program:
- a. Provide the first and last name of each employee at the Facility who is or has been responsible for the handling and/or management of hazardous waste for the time period of January 1, 2011 up to the present. This would include, but not be limited to, persons responsible for the labeling, dating, inspecting, and transporting containers of hazardous waste, in addition to the signing of manifests and LDR notices, waste determinations, emergency coordinators, and hazardous waste training instructors.
 - b. Please state "yes" or "no" to the following question: Does the Facility maintain documentation specifying the job title and job description for each employee listed in response to Question 4.a? If yes, please answer the following:
 - i. Submit the Facility's documented job titles and written job descriptions for each employee listed in response to Question 4.a. for the time period of January 1, 2011 up to the present.
 - ii. For each document submitted in response to Question 4.b.i., above, provide the date each such document was first created by the Facility.
 - c. Please state "yes" or "no" to the following question: Has the Facility provided initial and annual hazardous waste training to each employee listed in response to Question 4.a? If "yes", please answer the following:
 - i. Provide the dates on which hazardous waste training was conducted for each of the employees listed in response to Question 4.a. for the time period of January 1, 2011 up to the present and state the basis of your knowledge.
 - ii. Submit any and all records the Facility has maintained to document hazardous waste training has been conducted for each employee named in response to Question 4.a. for the time period of January 1, 2011 up to the present.
5. Please submit copies of all hazardous waste manifests retained by the Facility for offsite shipments of hazardous waste that occurred during the time period of January 1, 2011 to the present.
6. During the September 23, 2014 EPA CEI, the EPA inspector reviewed a copy of the Facility's contingency plan. Please submit a copy of the contingency plan that was in effect at the time of the EPA CEI.
7. During the September 23, 2014 EPA CEI, the Facility indicated that it generates spent sulfuric acid from its manufacturing process, and the spent sulfuric acid is accumulated onsite in containers prior to offsite shipment as hazardous waste. In each area where the Facility accumulates containers of spent sulfuric acid, please answer the following:
- a. State the volume (in gallons) of the containers the Facility uses to accumulate spent sulfuric acid.
 - b. State how long, on average, containers of spent sulfuric acid are accumulated onsite prior to offsite shipment.

- c. Identify, in detail, the location at the Facility where the containers of spent sulfuric acid are accumulated prior to offsite shipment as hazardous waste.
- d. Please indicate by stating “yes” or “no” to the following question: Does the Facility inspect the area where the containers of spent sulfuric acid are accumulated, as identified in your response to Question 7.b. above, for leaking containers and deterioration of the containers caused by corrosion or other factors?
 - i. If you answered “yes” to Question 7.d. above, please provide: The first and last name of each person at the Facility who is or was responsible for conducting inspections of such area(s) for the time period of January 1, 2011 up to the present; Indicate how often such inspections are conducted; and Submit inspection logs (if kept on file) for the inspections of such area(s) for the time period of January 1, 2011 up to the present.

A copy of the September 23, 2014 inspection report documenting the findings of the inspector is enclosed as Attachment A for your information, and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

With regard to the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”), please see the “Information for Small Businesses” memo, enclosed as Attachment B, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA’s decision to pursue an enforcement action. To preserve your facility’s legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA’s enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Please send your response to:

Andrew Ma
US EPA Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350

If you have any questions concerning this matter, please contact Mr. Andrew Ma at (410) 305-3429.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: A. Ma (3LC70) w/o